

REMARKS

Claims 1-53 are pending in the present application. In the above amendments, claims 1, 8, 16, 19, 23, 29, 30, 33, 34, 36, 38, 41, 42, 46, 51, 52, and 52 have been amended, no claims have been cancelled, and no new claims have been added. Therefore, after entry of the above amendments, claims 1-53 will remain pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

All claims stand rejected under 35 U.S.C. § 103(a) in view of various combinations, as set forth more fully below, of U.S. Patents 5,862,474 (Kimball), 6,052,600 (Fette), 6,628,938 (Rachabathuni), 6,259,791 (Moore), 6,026,293 (Osborn), and 5,737,708 (Grob).

Applicants' disclosure is directed at several techniques which, taken together or individually, improve the security of delivering applications to and executing applications on a wireless device. Briefly stated, the disclosure is directed to a system for application distribution and execution that tests applications with predetermined standards, provides traceability to the developer for non-repudiation, checks for unintended modifications to the application, allows the removal of the application from the wireless device, and/or uses rules and permissions that define the environment on which the application may execute.

Non-Limiting Amendments

Applicants note that the amendments to the claims presented in this paper include several corrections for typographical errors which do not impact the breadth of the claims and which were not made for reasons of patentability. Rather, the several amendments to correct typographical errors were made simply to correct obvious errors in the claims as originally presented.

Certifying Step

Each of independent claims 1, 8, 24, 30, 40, and 41 recite some variation of a step or component for "certifying" that an application satisfies a predetermined criterion. As discussed at length in the specification, this certification is performed to help ensure proper functioning of a wireless device when the application is ultimately installed on the wireless device.

More specifically, as discussed in Applicants' specification at paragraph [0039], a certification server may be used to analyze an application to determine whether the application satisfies some predetermined certification criteria. This criteria may include whether the application satisfied a development specification for execution on a wireless device or platform. The certification criteria, however, can be any criteria that an application must satisfy prior to execution on a wireless device or platform.

In the Office Action, Kimball and Fette are relied upon as disclosing the certification procedure just described. However, Applicants respectfully submit that the cited references indeed do not teach such certification. Rather, Kimball teaches determining if a data stream received using a wireless modem is usable. Kimball at col. 3, lines 29-31. Importantly, the data stream is already received when this evaluation is performed. Similarly, Fette teaches a system for updating and receiving a software application for a wireless device ("radio"). Fette at col. 10, lines 11-13. Fette describes a system for delivering a software program to the radio, which then performs a check to determine if the radio is capable of executing the software program. Fette at col. 8, lines 21-31.

Notably, these two systems both require that an application be installed or otherwise resident on a device in order for their respective evaluation steps to be performed. This requirement is the complete antithesis of Applicants' teachings, to wit, ensuring that the application will perform properly prior to execution on a wireless device or platform. See

paragraph [0039]. Indeed, the systems described by Kimball and Fette would require, in essence, that the end user make the final determination of whether the application will work properly, which is precisely one of the problems being remedied by Applicants' invention. Accordingly, the references cited against independent claims 1, 8, 24, 30, 40, and 41 fail to teach each and every aspect of those claimed inventions. For this reason, Applicants submit that the rejections are improper and respectfully request their withdrawal.

Traceability Information

Independent claims 16, 29, 33, 38, 42, 46, 51, 52, and 53 (all as amended) each recite some variation of the inclusion of "traceability information" associated with the application. The traceability information, as discussed at length in the specification, provides a mechanism for assuredly determining the source responsible for an application if that application performs erratically. For example, as stated in the specification at paragraph [0010], if there is any problem with the application, it is beneficial to trace back to the source of the application, i.e., the developer, to correct the problem. In addition, having traceability discourages developers from creating applications that have harmful results, either whether intended or unintended.

In the Office Action, Fette is relied upon as the primary reference against the independent claims enumerated in this section on Traceability Information. However, the Office Action concedes that Fette fails to teach traceability information as recited in those claims. Office Action at page 6, lines 3-4. Presumably, the Office Action relies upon Rachabathuni as teaching this element although an explicit statement to that effect is not found. Office Action at page 6, lines 5-8. Given that no other reference was relied upon against the enumerated claims as disclosing the traceability information, Applicants' must assume that the Office Action relies upon Rachabathuni.

Rachabathuni teaches delivering an application to a wireless device including an application identifier. Rachabathuni at col. 5, lines 41-45. Even assuming that the information transmitted by the system of Rachabathuni may be used to identify the application on the wireless device, nothing in Rachabathuni teaches or suggests transmitting information that affirmatively identifies the source of the application. Rather, the application identifier of Rachabathuni allows the wireless device to execute the application and distinguish the application from other applications on the wireless device. This is conceptually and significantly different from including traceability information that enables the developer of the application to be identified should problems with the application occur.

For this reason, Applicants respectfully submit that the cited references fail to teach traceability information as recited in the above-enumerated claims. Accordingly, the cited references fail to teach every limitation of the claimed invention, and the rejections are improper. Applicants respectfully request withdrawal of those rejections.

Dependent Claims

Applicants submit that the dependent claims in the present application recite features and elements that further distinguish them from the art of record. However, in the interest of efficiency, Applicants submit that the pending dependent claims are also allowable for at least the reason that they depend on allowable independent claims as more fully set forth above.

Accordingly, Applicants respectfully request the withdrawal of the rejections of the dependent claims for at least the reasons given above concerning their respective independent claims.

CONCLUSION

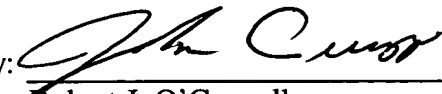
In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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